

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 19-53512

EUGENIA DANIELLE MARTIN-LAWRENCE,

Chapter 13

Debtor.

Judge Thomas J. Tucker

ORDER DENYING DEBTOR'S MOTION TO EXTEND THE AUTOMATIC STAY

This case is before the Court on a motion filed on October 15, 2019 by the Debtor, entitled "Debtor's Motion to Extend Stay Beyond 30 Days Pursuant to 11 USC §362 [(c)](3)(B)" (Docket # 23, the "Motion"). The Court will deny the Motion, because it was not timely filed, and because it was filed too late to enable the Court to comply with the 30-day hearing deadline of 11 U.S.C. § 362(c)(3)(B).

Under 11 U.S.C. § 362(c)(3)(B), in order for the Court to extend the automatic stay, a hearing on a motion to extend the automatic stay must be completed within 30 days after the filing of the case. Because of the statute's 30-day hearing deadline, LBR 4001-4(a) (E.D. Mich.) requires that a motion to extend the stay be filed and served within seven days after the bankruptcy petition is filed. LBR 4001-4(a) provides further: "When such a motion is filed, the court will schedule a hearing with a notice to all parties in interest. If the movant has not received a notice of hearing within seven days after filing the motion, the movant may contact the judge's courtroom deputy clerk to obtain a hearing date within the time limit established by law."

The Debtor filed her voluntary petition for relief under Chapter 13 in this case on September 20, 2019. The Debtor did not file her Motion until October 15, 2019, which was 18 days after the September 27, 2019 deadline to file such a motion expired under LBR 4001-4(a),

and only 6 days (4 business days) before the 30-day hearing deadline expires on Monday, October 21, 2019.¹ Because it is now impossible to schedule and conclude a hearing on the Motion within the required 30-day period, while still giving adequate advance notice of that hearing to creditors, the Motion must be denied.

Accordingly,

IT IS ORDERED that the Motion (Docket # 23) is denied.

Signed on October 17, 2019



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge

¹ The Debtor filed an earlier motion to extend the stay, on October 3, 2019 (Docket # 16). That motion also was untimely, since it was filed after the September 27, 2019 deadline. And in any event, that motion was stricken on October 4, 2019, for other reasons. (Docket # 18). It is unclear why the Debtor then waited 11 days, until October 15, 2019, to refile the motion to extend the stay.